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Human Rights Council
Thirty-ninth session
10-28 September 2018
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 August 2018]

* Issued as received, in the language(s) of submission only.

GE.18-14468(E)
1814468

Please recycle

Livelihood of indigenous Gwich´in threatened in the United States of America

On December 17 2017, the Congress of the United States of America has passed a new tax bill, the Tax Cuts and Jobs Act. This bill contained an oil and gas program according to which at least two oil and gas leases have to be put on sale until December 2024. This includes the issue of post-lease activities such as seismic and drilling exploration as well as the development and transportation of oil and gas.

Because of that, the Bureau of Land Management of the state of Alaska is planning to conduct a Leasing Environmental Impact statement for the purpose of implementing an oil and gas-leasing program in the northern part of the Arctic National Wildlife Refuge named "Coastal Plain".

To open this area up to oil and gas development would threaten the livelihood of the indigenous people, named Gwich´in, who have been living in this area for over 20,000 years in harmony with nature.

By opening, the Coastal Plain for oil and gas exploration the Gwich´in culture and people will be under threat as they have never been before. Drilling in this fragile ecosystem will endanger the Porcupine Caribou herd, for which, among a huge range of other animals, this is an important, unique and irreplaceable habitat. The Gwich´in people depend on the herd for food, clothing and craft. The caribou is a symbol for the Gwich´in people to keep on teaching the traditional skills to the young generations and pass on their cultural heritage. Therefore, a threat to the herd means a threat to the people. For the Porcupine Caribou herd the Coastal Plain is essential for calving. The calving grounds are sacred for the Gwich´in people. However, the "Arctic Refuge coastal plain terrestrial wildlife research summaries. U.S. Geological Survey, Biological Resources Divison, Biologial Science Report" from the year 2002, has found that drilling in the Arctic National Wildlife Refuge would displace the herd by 30 miles and reduce calf-survival by 8.2 percent. This would not be enough to safeguard the size of the herd, because without the calving ground the herd will not be able to reproduce. In the end, the herd would be extinct.

A displacement southwards would have severe impacts for the Porcupine herd for other reasons as well. Alternative areas have less nutrients and will endanger the herd by increased predation from grizzly bears and wolves that exist there in greater density than in Coastal Plain. The proposed main pipeline for the 1002 Area will cut through the calving grounds. While supporters of drilling argue the infrastructure and pipelines will not influence the caribou´s behavior much, the opposite has been observed. There is evidence that caribou herds do not travel under pipelines but rather stay as far as 20 miles away from them.

In addition to the danger of the drilling infrastructure for the Porcupine Caribou herd, research found that the chances of oil spills are extremely high. Leaks occur on a regular basis on offshore drilling alone, each year 880,000 gallons of oil are left in ocean waters by U.S. drilling operations. The leak in the Trans-Alaska Pipeline system where 267,000 gallons of crude oil were spilled undetected for several days shows that statements about the safety of infrastructure and monitoring systems are not reliable as advocates of drilling claim. Oil spills do happen and have severe consequences for the environment. Cleaning oil from ice as well as cleaning contaminated land and sea in Arctic conditions is extremely almost impossible. Furthermore, the drilling process itself produces so-called drilling muds. These muds contaminated with toxins such as benzene, zinc, arsenic and radioactive materials stay in the surrounding land on a long-term basis.

In the Porcupine Caribou Agreement of July 1987, the United States and Canada commit to protect the Porcupine Caribou herd, its routes and calving grounds, and warrant the participation by the Gwich´in in all processes concerning this matter. The agreement acknowledges explicitly this herd´s profound importance for the existence of the Gwich´in in traditional way of life and obliges the two countries to avoid anything that could threaten the herd or the Gwich´in. Opening the Arctic National Wildlife Refuge for drilling without the free, prior and informed consent of the Gwich´in would violate this treaty.

As stated on the website of the Bureau of Land Management, the mission of the agency "is to sustain the health, diversity and productivity of America´s public lands for the use and enjoyment of present and future generations". The opening of the Arctic National Wildlife Refuge for drilling clearly contradicts this goal. Moreover, it contradicts the goal for the international community to respect and promote the inherent rights of indigenous peoples, especially their rights to their lands, territories and resources, which they possess by reason of tradition ownership or other traditional occupation. These rights are able to give legal recognition and protection to these lands, territories and resources and to

take effective measures to ensure that no storage or disposal of hazardous materials take place in the lands of territories of indigenous peoples without their free, prior and informed consent.

Protecting the Arctic as one as the last part of untouched wilderness and a fragile and remote ecosystem is an imperative not only for the United States but also for the international community and every global citizen. To drill in the Arctic National Wildlife Refuge would mean to end the life of the Caribou Herd and will the caribous die, the Gwich'in and their way of life will die with them.

Therefore, the Society for Threatened Peoples calls upon the UN Human Rights Council to appeal to the United States government to protect the Arctic National Wildlife Refuge and all the living things within.

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1814469

Please recycle

Massive restriction of human rights in Hungary

At the end of June, the Hungarian government fleshed out specific measures to restrict the work of civil society organizations and to harass refugee workers – as the country's Prime Minister Orbán had been announcing since 2014 – despite outrage and protests on the part of many NGOs and civil society organizations. Orbán made the parliament adopt a package of legislative and constitutional amendments under the name "Stop Soros" (referring to a US investor of Hungarian origin, George Soros, who supports civil rights organizations and political activists all over the world), which allows to criminalize civil society organizations by accusing them of "facilitating illegal migration". The Prime Minister accused Soros of trying to help millions of refugees to settle in Europe.

At the same time, there will be amendments to the criminal code (allowing the prosecution of refugee workers who "promote illegal migration"), as well as restrictions on the right of asylum and freedom of assembly.
In addition, the Hungarian parliament passed a so-called "special immigration tax": a 25 percent penalty tax on all income of non-governmental organizations that "promote illegal migration". Article five of the Hungarian Constitution now states that the "settlement" of foreign peoples is prohibited.

Due to the new NGO-law, civil society organizations that receive more than 23,000 EUR p.a. from abroad are obliged to register. In addition, they have to refer to their organizations as "foreign-funded organizations" in all their publications and on their websites – and a 25% "special immigration tax" will be levied on all donations from abroad. In future, NGOs that provide assistance for refugees will also have to apply for a permit from the Ministry of the Interior. Hungarians who provide assistance to refugees as private persons will no longer be allowed access to an eight-kilometer-wide strip along Hungary's Schengen border. The law aims to keep organizations and private individuals from helping refugees, which is seen as "promoting illegal migration". Repeated violations can lead to prison sentences of up to one year.

It is the Prime Minister's declared goal to "protect Hungary from migrants", and Hungary has refused to agree to a mandatory redistribution of refugees within the EU for years. Due to the lack of willingness to participate in the redistribution of 120,000 refugees – agreed upon by the EU member states in 2015 – the EU Commission has already brought forth an ECJ action against Hungary, the Czech Republic, and Poland. Hungary was sued before the European Court of Justice (ECJ). This was the final step in the so-called infringement procedure which was initiated in December 2015. Among other things, the European Court of Justice admonished that Hungary had carried out asylum procedures in transit zones along the country's borders. This was seen as a violation of EU law because the maximum duration of four weeks was not respected and because there are no guarantees for especially vulnerable people.

Our human rights organization has been criticizing the way Hungary treats minorities for years, especially the Sinti and Roma. Their situation still gives cause for serious concern. In Hungary, Sinti and Roma are ostracized and discriminated in many ways, and they are systematically disadvantaged within the Hungarian society – particularly in the areas of work, access to housing, health, and education.

The Hungarian civil society organizations are important pillars of independent control of power, and, thus, a significant obstacle for those in power – such as Viktor Orbán, whose efforts to restructure the state are authoritarian in character, and accompanied by corruption and non-transparency. From our point of view, this development is a fundamental attack on the human rights principles of the EU. The constitutional amendment puts fundamental values such as equal rights and respect for human rights at risk.

Therefore, Society for Threatened Peoples would like to ask the UN Human Rights Council to urge the Hungarian government to:

- To override the adopted legislative package to ensure that NGOs and civil society organizations will be able to keep up their human rights work.
- Commit itself to a solution-oriented refugee policy at European level, strengthening the rights of minorities. As a member of the European Union, Hungary should participate in current joint solution attempts to help people who need protection. Hungary must be called upon to open escape routes for refugees. Further, Hungary should finally initiate measures to improve the living conditions of the Sinti and Roma, enabling them to participate in public life.